

Amendment
Serial No. 10/670,291
Attorney Docket No. 031181

REMARKS

Claims 1-8 and 13-20 are pending. Claims 9-12 have been canceled without prejudice or disclaimer.

Claims 1-20 were provisionally rejected under 35 U.S.C. §101 as claiming the same invention as that of claims 1, 2, 6, 7, 10-13, 18-28, and 33-36 of copending Application No. 10/305,258. This is the only rejection made in this Office Action.

Section 804 of the MPEP discusses the policy of provisional double patenting rejections between copending applications. In particular, MPEP 804 I B. states that “[t]he ‘provisional’ double patenting rejection should continue to be made by the Examiner in each application as long as there are conflicting claims in more than one application unless that ‘provisional’ double patenting rejection is the only rejection remaining in at least one of the applications” (emphasis added). Therefore, since this is the only rejection in the present application, the Examiner should withdraw the provisional rejection.

In any event, claims 9-12 have been canceled which may be considered to interfere with the subject matter of the copending application.

For at least the foregoing reasons, it is believed that the application is now in condition for allowance. Prompt and favorable action on the merits is earnestly solicited.

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Should the Examiner deem that any further action by applicant would be desirable to place the application in better condition for allowance, the Examiner is encouraged to telephone applicants' undersigned attorney.

If this paper is not timely filed, Applicant respectfully petitions for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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